

MINUTES OF THE
GATLINBURG REGIONAL BOARD OF ZONING APPEALS
May 11, 2010
Tuesday, 10:00 a.m., City Hall

MEMBERS PRESENT

Billy Maples
Jerry McCarter
Tim Malone

MEMBERS ABSENT

Bob Waikel
Tom Colvard

OTHERS PRESENT

Johnny Vaughn

Staff Representatives: Ashley Miller, Assistant City Planner

The meeting was called to order at 10:00 a.m., with Chairman Jerry McCarter presiding. The minutes, of the April 7, 2009, meeting, were unanimously approved following a motion by Mr. Billy Maples and a second by Mr. Tim Malone.

Petitions and Communications from the public

Staff Report

Chairman Jerry McCarter made a motion to count the two-hour workshops on June 18, 2009, and November 19, 2009, towards their continuing education. Mr. Tim Malone seconded the motion, with all members voting aye.

Staff reported back to the Board on research conducted about an attendance policy for the Board. Staff explained that currently there is not an attendance policy for the Regional Board of Zoning Appeals and passed out a copy of the attendance provisions that govern the Municipal Board of Zoning Appeals. After considerable discussion Mr. Billy Maples made a motion to have a workshop following the next scheduled meeting with all members present to discuss potentially creating an attendance policy for the Board. Chairman Jerry McCarter seconded the motion with all members voting aye.

Mr. Billy Maples discussed the Board's action at the April 7, 2009, meeting regarding requiring building plans from the applicant. Mr. Maples further discussed the need for applicants to be accountable for building the size proposed and in the location that is submitted to the Board for a variance request. Mr. Maples noted one particular situation where the applicant proposed a single-family home in a specific location and built a larger structure in a different configuration. Mr. Tim Malone questioned the policing aspects of applicants not following the plans that are submitted at the time a variance is requested. Mr. Billy Maples made a motion to further discuss the submittal process and the enforcement in a workshop setting following the next scheduled meeting. Mr. Tim Malone seconded the motion with all members voting aye. Staff stated that they will speak with the City Planner, Local Planning Assistance Office, and the Sevier County Building Inspector to gather information for the workshop.

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5. Old Business

6. New Business

a) Review and consideration for a proposed side yard setback variance, located at 1163 Hemlock Drive, zoned RR-1, requested by Johnny Vaughn.

Staff presented the request for a 12'-10" side yard setback variance from the required 15' side setback, leaving a 2'-2" side yard setback for a proposed replacement of an existing deck. Staff stated that the request consists of repairing the existing first story deck and removing the existing first story entry stairs to reconstruct a new entry ramp. Staff further stated that the existing 8' wide second story deck will be removed and reconstructed with a 5' wide deck and a 3' wide handicap ramp for access to the second story. Staff noted that both the first and second story access ramps are exempt from the setback requirements based on Article III of the Gatlinburg Regional Zoning Ordinance. Staff added that no physical hardship as been presented by the applicant.

Chairman McCarter questioned if the property owner was aware that a well for house is situated on the adjoining property. Mr. Johnny Vaughn was present and stated that an easement had been acquired for the well location from the adjoining property. Chairman McCarter asked about the ramp. Mr. Vaughn stated that the current deck is 8'-3" wide and the proposed improvements will only be 8' wide with a 5' deck with a 3' ramp. Mr. Billy Maples questioned the rise and run of the ramp. Mr. Billy Maples noted to Mr. Vaughn that he may want to contact the Sevier County Building Inspector to see if a permit will be needed from that entity. Mr. Billy Maples further stated that as long as the applicant is staying within the existing building footprint and not causing any danger to other properties, that he supported the variance request. After further discussion Mr. Billy Maples made a motion to grant a 12'-10" side yard setback variance from the required 15' side setback, leaving a 2'-2" side yard setback area for the construction of a 3' wide ramp and 5' wide deck in place of the existing 8'-3" wide deck. Mr. Tim Malone seconded the motion with all members voting aye. After the motion, Mr. Vaughn added that the log siding will also be applied to the block on the home.

b) Election of Officers

Staff presented the request for review and nomination for Chairman and Vice Chairman to be elected from the current membership. Mr. Billy Maples made a motion to re-elect Mr. Jerry McCarter as Chairman and Mr. Bob Waikel as Vice-Chairman. Mr. Tim Malone seconded the motion which passed with all members voting aye.

Unscheduled Items

Adjournment

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There being no further business to come before the Board, the meeting was unanimously adjourned at 10:28 a.m., after a motion by Mr. Billy Maples and a second by Mr. Tim Malone.

Approved by:

MBZA CHAIRMAN

DATE

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